IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

United States of America,)							
	Plaintiff,) 8:05CR426)					
	VS.) DETENTION ORDER)					
Jar	nes L. Bennett,)					
	Defendant.)					
A.	Order For Detention After the defendant waived a detention he the Bail Reform Act, the Court orders the pursuant to 18 U.S.C. § 3142(e) and (i).	3 .					
B.	The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.						
C.	Finding Of Fact The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: Conspiracy to possess with intent to distribute crack cocaine; possession with intent to distribute crack cocaine; possession with intent to distribute cocaine; forfeiture is a serious crime and carries a maximum penalty of life imprisonment. (b) The offense is a crime of violence. X (c) The offense involves a narcotic drug. (d) The offense involves a large amount of controlled substances, to wit:						
	(2) The weight of the evidence aga X (3) The history and characteristics (a) General Factors:	_					

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		The defendant appears to have a mental condition which may affect whether the defendant will appear. The defendant has no family ties in the area. The defendant has no steady employment. The defendant has no substantial financial resources. The defendant is not a long time resident of the community. The defendant does not have any significant community	
		ties. Past conduct of the defendant:	
		The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings.	
	` '	the time of the current arrest, the defendant was on:	
		<pre> Probation Parole </pre>	
		Release pending trial, sentence, appeal or completion of	
	(a) O41	sentence.	
	(c) Otr	ner Factors: The defendant is an illegal alien and is subject to	
		deportation.	
		The defendant is a legal alien and will be subject to	
		deportation if convicted. The Bureau of Immigration and Customs Enforcement	
		(BICE) has placed a detainer with the U.S. Marshal. Other:	
	release aı	e and seriousness of the danger posed by the defendant's re as follows: felony convictions	
 X (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: X (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the 			
		ety of any other person and the community because the Court ds that the crime involves: (1) A crime of violence; or	

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			(-)	imprisonment or death; or
		Χ	(3)	A controlled substance violation which has a
			(-)	maximum penalty of 10 years or more; or
			(4)	
X	(b)	That no	con	dition or combination of conditions will reasonably
	assure the appearance of the defendant as required and the			
		safety o	of the	community because the Court finds that there is
		probable cause to believe:		use to believe:
		X	(1)	That the defendant has committed a controlled
				substance violation which has a maximum penalty of 10 years or more.
			(2)	That the defendant has committed an offense under
			(-)	18 U.S.C. § 924(c) (uses or carries a firearm during
				and in relation to any crime of violence, including a
				crime of violence, which provides for an enhanced
				punishment if committed by the use of a deadly or
				dangerous weapon or device).

(2) An offense for which the maximum penalty is life

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel: and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: December 23, 2005.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge